CITY OF SAN CARLOS
OFFICE OF THE CITY MANAGER

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April 19, 2019

The Honorable Mark Stone
Chair, Assembly Judiciary Committee
State Capitol
Sacramento, CA 95814

RE: Assembly Bill 1184 (Gloria) – Oppose [As Amended March 25, 2019]
Hearing Date: April 23, 2019 – Assembly Judiciary Committee

Dear Assembly Member Stone:

The City of San Carlos respectfully opposes Assembly Bill 1184, which will require all public agencies to maintain all transmitted emails for at least two years.

As currently drafted, this is not a transparency bill, rather it is a data storage bill. In addition, this bill places an unfunded mandate on public agencies by amending the California Public Records Act (CPRA) to store every transmitted email for at least two years. This bill requires public agencies to spend money on processing even more public records requests and data storage, and by placing the provision in the CPRA, the State will avoid constitutional requirements to reimburse public agencies for the data costs associated with the higher level of service required by the bill.

While our City supports transparency and public access, complying with the CPRA is a challenge. The costs of staff time and legal fees as we research and prepare to respond to the numerous public records requests we receive each year is a tremendous burden on our budget, as it is for all public agencies. Email has become a particular burden. We have spent a great deal of financial resources storing all of the data on our email server that is considered a public record.

Currently, if an email is a public record that requires disclosure under the CPRA, it is retained per our City's retention schedule. If it is not a public record, then we have the authority to adopt policies to delete the email, allowing us to save money by not unnecessarily storing emails.

We look forward to analyzing proposed amendments that would narrow the scope of the bill, but at this time, our City must relay our opposition to AB 1184 as it is in print.

Sincerely,

Jeff Maltbie
City Manager

cc: Assembly Member Kevin Mullin
The Honorable Todd Gloria
Members, Assembly Judiciary Committee
Thomas Clark, Staff Counsel, Assembly Judiciary Committee
Paul Dress, Consultant, Assembly Republican Caucus